

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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HONOLULU, HAWAII 96809

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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
FINANCE**

**Wednesday, February 24, 2010
11:00 AM
State Capitol, Conference Room 308**

**In consideration of
HOUSE BILL 2582
RELATING TO VESSELS AT ALA WAI AND KEEHI BOAT HARBORS**

House Bill 2582 authorizes limited commercial activity at the Ala Wai and Keehi Small Boat Harbors, clarifies that commercial catamarans operating from Waikiki Beach are required to have a commercial use permit issued by the department, and amends the liveaboard fees for the Ala Wai and Keehi Small Boat Harbors. The Department of Land and Natural Resources (Department) strongly supports this Administrative measure.

Currently, Section 200-9(b), Hawaii Revised Statutes, does not authorize commercial vessel mooring or activity at the Ala Wai and Keehi Small Boat Harbors. This bill proposes that the total number of valid commercial permits which may be issued for vessels assigned mooring in Ala Wai and Keehi Small Boat Harbors shall not exceed fifteen per cent and thirty-five per cent of the available berths, respectively.

Both harbors are located in areas of commerce with the Ala Wai Small Boat Harbor located at the entrance to Waikiki and the Keehi Small Boat Harbor in the Sand Island industrial area. Allowing moorage for a limited number commercial vessels and commercial vessel activities in the Ala Wai and Keehi Small Boat Harbors would be consistent with existing commercial activities in their respective vicinities. Additional commercial activity within state small boat harbors would increase vessel activity and stimulate existing marine related businesses. This would provide additional revenues for the Department and the additional revenues would be used to operate, maintain, and improve the ocean recreation facilities.

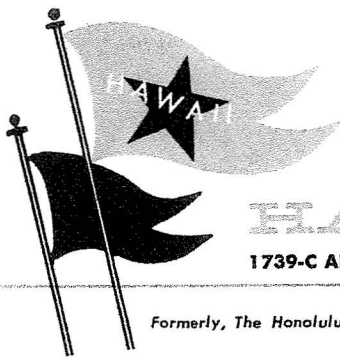
There are seven commercial catamaran operators working from Waikiki Beach. These operators have only been issued commercial equipment registrations and not commercial use permits like

all other commercial operators. They pay the Department approximately \$8.50 per year for exclusive use of Waikiki Beach. We believe that the intent of the original legislation was for these commercial operators to be issued a commercial use permit and pay the appropriate fees associated with exclusive use of a public resource similar to all other commercial operators.

Currently, moorage fees do not cover the costs of operating and maintaining the small boat harbors. While the Department recently raised certain boating fees by way of administrative rules, liveaboard fees are set in statute and have not changed since 1992. The current liveaboard fee is a flat rate no matter how many people live on the vessel. The proposed fee increase would be used to cover the additional costs associated with people using their vessels as their primary place of residence. These costs include, but are not limited to, increased use of electricity, water, rubbish service, and janitorial service.

In order to address the concerns of the liveaboards at the Ala Wai and Keehi Small Boat Harbors that commercial operations would be disruptive to the them, this bill offers a compromise. It provides that any harbor that excludes commercial operations, liveaboards will pay three times the mooring fee. This would provide compensation for the loss of commercial vessel revenue. If the harbor allows for commercial activities, a liveaboard would only have to pay two times the moorage rate.

The Department would prefer the ability to allow commercial vessel mooring and operations at the Ala Wai and Keehi Small Boat Harbors because it would stimulate commerce throughout the entire harbor. The intent of the small boat harbors, as stated in the statute, is for vessels regularly navigated beyond the confines of the harbor. The majority of individuals living on their vessels rarely take their vessels out of the harbor because of the preparation involved in making them ready for sea.



HAWAII YACHT CLUB

1739-C ALA MOANA BLVD. • HONOLULU, HAWAII 96815 - 1492

Formerly, The Honolulu Yacht Club, The Cruising Club of Hawaii and the Ala Moana Motorboat Club.

Testimony of
STERLING LAU
COMMODORE
Hawaii Yacht Club

Before: House Finance Committee

Date: 2/24/2010

Time: 11:00 AM

Place: Room 308

In consideration of HOUSE BILL 2582

RELATING TO VESSELS AT ALA WAI AND KEEHI SMALL BOAT HARBORS

The Board of the Hawaii Yacht Club has voted to support the portion of this bill relating to commercial operations by charter boats in the Ala Wai Small Boat Harbor if certain amendments are made.

First we feel the location of the commercial charter boats must be limited to what is known as the 800 row.

The 800 row is the dock that is located most seaward in the harbor. The logistics related to using this dock allow all vehicle traffic to bypass the main harbor area and use the area known as the triangle parking lot and the lot behind the harbor office. Areas not used by pleasure boaters. Allowing commercial operators on the 100 or front row will cause motor vehicle traffic issues in an already congested area.

But most important to the club and to boaters in general is the fact that the 800 row use will limit the impact of vessel traffic in what is known as the turning basin in front of the Hawaii

Yacht Club. The turning basin is the garden which produces the future boaters of the world. Youngsters age 8 and up take control on their own of their first small boat in groups of up to 20 or 30 children. They practice every day in the summer and on weekends and after school during school term. Also we now have High School Sailing with learners using this area also.

By using the 800 row only the charter boats will not need to use the turning basin as they will leave the harbor well seaward of that area.

Second we feel that being a small boat harbor the commercial operation must be limited to small boats which carry no more than six passengers. We feel that the profile of users will be both small local groups and beach parties from the hotels walking up for a ride or to fish or sail. The entrance to the 800 row is basically on the beach so it is a natural pedestrian experience. And having a large number of boats available will make the experience less crowded and more of a pleasure for our visitors to sell for us to their friends back home. If there are larger parties they can use more boats or go to a larger boat in a more commercial harbor.

It is suggested that the extra commercial slip fee be lowered for a period to give these many startup companies a little help in getting established at this location.

In conclusion the purpose of the Hawaii Yacht Club is to promote marine activities in general and afford our members an opportunity to participate in said activities. We feel this bill as proposed above best meets our purpose very well.

Sincerely,


Sterling Lau

Commodore

Subject: HB2582

Friday, February 18, 2010

Sir/Madam,

I currently own a boat moored at the Ala Wai Small Boat Harbor and have been a resident of Hawaii since 1956.

Please take into account the following:

I oppose HB2582.

Proposing a 2 to 3 times increase to the live aboard fees has absolutely no justification. This bill appears to be, among other things, a punitive action directed at the residents of the harbor. Live-aboard boaters receive nothing more than the boaters who do not live aboard from the harbor personnel or facilities. They are in fact the 'watch standers' for the harbor and insure a safer harbor environment. Residents provide indirect oversight. It appears that DNLR's solution is to make it so expensive for residents that they will be forced to move, thereby eliminating a thorn in the side of the DLNR.

Please Note:

1)

If **HB2582** passes committee slip fees will increase 66% over the next 5 years. This slip fee increase is supposedly justified by comparing Hawaii harbors to full service commercial marinas.

Full service marinas generally have full service, including 24 hour security, swimming pool, deluxe - well equipped bathrooms, pump-out facilities etc. Commercial facilities also have additional expenses such as bank loans, income taxes and property taxes.

The Ala Wai Small Boat Harbor does not have these additional expenses as the property was gifted to the state as a recreational facility to be used by the general public and not to be used for commercial use.

This statement should be noted by the DOBAR administrative personnel suggesting to commercialize the Ala Wai SMALL BOAT Harbor. It is illegal to do so as stated in the gift.

2)

Over the past several years the DLNR/DOBAR has allowed over 200 slips to remain vacant the Ala Wai Small Boat Harbor creating a loss of \$50,000 to \$80,000 a month.

They have chosen to raise slip fees rather than correct the administrative inadequacies that have left slips vacant for this amount of time thus creating their financial deficit.

They have blamed this on the way the administrative rules are written yet they have forced through several administrative rule changes that the boaters have overwhelming disapproved. A change to the administrative rules which would speed up issuing of leases for slips would be welcomed and would correct the deficit over a short period of time.

3)

Additionally, the working dock has been vacant and losing revenue for the last three years while DLNR is looking for a new operator. One of the reasons they could not find an operator is the administrators over estimated the value of the lease thus did not receive bids. Since the loss of the working facility DOBOR has strengthened the inspection requirements to have a buoy run every year and added a requirement to carry insurance. If a boat is having maintenance problems and cannot comply there is no local working dock to take the boat for repair.

Not to worry. They have found a taker. Soon there will be a wedding chapel to take it to.???

4)

I have been to DLNR/DOBOR meetings for the purpose of requesting Public Comment. Most Public Comment opposes much of what is submitted by the DLNR. Their comments have traditionally been ignored by the DLNR. The director submits what she wants to the Land Board and gets a rubber stamp. At times I feel as if the DLNR is run by a small county dictator.

Case in point: The DLNR submitted its Renaissance Plan to the legislators, it was defeated. There was a good reason for this. It would not benefit anyone as proposed and the legislators recognized this.

The DLNR has now done an "end run" around the legislators and has or is in the process of getting what it wants in the plan.

Any "Fee" increase is tantamount to a tax increase and should be subject to legislative review. DLNR employees are not elected officials.

If nothing else these decisions should be made by elected officials.

Respectfully,

Susan Ray

Boat Owner

P/O/ Box 75028

Honolulu, Hawaii 96836

808-943-0199

HB2582

Committee: FIN

Room: 308

Hearing Date: 2/24/2010 11:00:00 AM

Testimony from:

Jeff Lilley

1938 Aumoa St.

Honolulu, HI 96817

I am in opposition to this bill and strongly urge legislators to vote against the bill for the following reasons:

CONCERNING COMERCIALIZATION:

1. For very good reasons, commercial and recreational usage is separated in most harbors in Hawaii. Commercial use will increase the traffic through the channels entering the harbors resulting in more frequent accidents. While commercial operators assure us they will be careful and considerate of recreational boaters, experience by hundreds of recreational boaters proves this is not true. Take a moment on any morning at the fuel dock at the Ala Wai and listen to the conversation of the catamaran crews and their disdain for recreational boaters becomes very clear.

2. The Ala Wai Harbor in particular was set aside and restricted for recreational boaters.

3. The need for additional commercial slip space has not been demonstrated for either harbor. The State commercial fishing harbor remains unused by many fisherman, and there is adequate space at Kewalo basin. (as evidenced by empty slips and rental of slips to non0-commercial interests.

4. The infrastructure of the harbors in question is currently very poorly managed. Is it reasonable to expect that the increased use by commercial entities will help the matter? Of course not.

CONCERNING LIVEBOARDS:

1. Increased slip fees for all recreational boaters are already in place (without the input of or permission of the legislative body). Liveboards already pay adequate fees and should not be singled out for such an outrageous increase.

2. Many Liveboard slip holders provide much needed services to the harbor including taking up the slack of imcompetent staff by cleaning bathrooms, replacing shower curtains and providing soap and paper towels out of their own pocket. In addition, they are the eyes and ears of the harbor as there is no police presence at either harbor.

3. Fees should be kept at reasonable levels and a higher percentage of slips assigned to liveboards.

Chair Oshiro, Vice Chair Lee and Members of the Committee:

Aloha ka kou. My name is Gordon Wood, and I am submitting this testimony in opposition to HB 2582. This bill is flawed with respect to at least two critical issues:

1. The bill creates a differential rate structure for boats moored in the Ala Wai and Keehi recreational small boat harbors based on whether commercial vessels are permitted to operate in those harbors. Presumably, the higher rates charged if no commercial vessels are permitted in these recreational harbors are intended to off-set the potential loss of revenue that may be derived by the State if commercial vessels are permitted to operate in those harbors. Requiring a single class of recreational boaters (i.e., those recreational boaters who use their vessels as their principal places of residence) to shoulder the loss of those phantom revenues raises questions with respect to the constitutionally-protected right to equal protection.
2. The bill falsely presumes the demand for commercial slips is equivalent to the demand for recreational slips. Demand for recreational slips in the Ala Wai harbor has far exceeded the supply for many decades, resulting in a waiting list that consistently extends for a 5-7 year period, and presenting a significant deterrent to the growth of the recreational boating industry in Hawaii. Less than a mile away is Kewalo Basin, a commercial small boat harbor. Demand for commercial slips in Kewalo Basin has declined in recent years and, with the recent transfer of operational responsibility from DLNR to HCDA, the harbor is currently soliciting and accommodating recreational boaters to fill the resulting void. If new commercial slip opportunities are made available at Ala Wai, it is unlikely new commercial demand will be created and it is, therefore, likely that any commercial vessels wishing to locate at Ala Wai will simply vacate Kewalo Basin, with the net effect of reducing Kewalo Basin's commercial revenues. Robbing Peter to pay Paul is not sound fiscal policy.

Until, and unless, the proponents of this bill actively address these flaws, no further action on the bill should be taken. Indeed, rather than entertaining measures to reduce the recreational opportunities available to the people of Hawaii, it would be more effective, from a revenue-generation point of view, to take action to require DLNR to actually fill the 100-150 vacant slips currently, and consistently, in the Ala Wai harbor's inventory. Mahalo for your attention.

HB 2582 Wednesday, 24 February 2010 at 1100 in Room 308

House Committee on Finance In Strong Opposition to HB 2582

Chair Oshiro and Respected members of the Committee;

This bill, HB 2582, is a classic example of the department's refusal to listen to reason or to research other successfully managed marinas for possible management solutions.

I have here rate sheets from three publicly owned and operated marinas in Washington state. They have to deal with a five month boating season each year, cut short by inclement weather for the rest of the year, weather that includes ice, snow and freezing temperatures. They also have to deal with a 14 foot rise and fall of the tide twice each day, not just two feet like we have here in Hawaii, and freezing winter winds of fifty miles per hour and more, yet they operate fine well kept marinas that recover all of their costs through fees that are reasonable. They also have no empty slips attributable to inefficient management. Their liveaboard fee varies from marina to marina. They range from a flat fee of \$50.00 per month, through \$55.75 per month for the first two people to live aboard and then and then \$22.00 for each additional person. They all do charge additional fees for electrical power consumption related to the size of the vessel involved unless you have your own meter from the provider. Here we charge by the foot of length. This means our average boat of 35 feet in length costs \$180.00 to live aboard, compared to their \$50 to \$56 dollars..

Here we charge the liveaboard fee based on the size of the vessel, which has nothing to do with the cost to provide support to the people living aboard. The cost is purely dependant on the number of people not the length of the vessel. The present vicious attack on liveaboard fees is unsupported by any cost data of just what it takes to provide the service and there most certainly is no relationship between cost to provide the additional services for liveaboards and whether or not there are commercial vessels allowed into our recreational harbors, so where does this proposed three times increase if we do not allow commercial vessels come from? Commercial operations at Ala Wai are not opposed by only the liveaboard population. Look around you and you will see that local apartment owners are even more concerned than we are about the affect of commercial operations on our neighborhood. Any harbor that has liveaboards has less security problems than an unattended harbor. Liveaboards are the original "Neighborhood Watch". Any harbor master will tell you this is true. I kept my boat, unattended, at Keehi Marine Center for many years and never had a security incident because I was moored between two liveaboards and a third was directly across the headwalk in front of me.

The additional costs to support liveaboards is truly very small as the restrooms must be maintained for all tenants on a daily basis and the grounds and facilities must be

maintained whether tenants live aboard or just visit on weekends. The true additional costs are a very small increase in water consumption, an increase in the amount of rubbish generated, and a reasonable increase in electrical usage if the tenant does not have power supplied directly from the utility. The increase in rubbish collection costs is very hard to calculate as the general public is allowed to use our rubbish collection services as well as all of the harbor tenants.

I suggest you leave the liveaboard fees, high though they may be, just as they are, and concentrate on other ways to make our marina pay for itself. Perhaps require the chairperson to return the books to their former practices that have, for years, all audited by Marion Higa, shown the main harbors, Ala Wai and Honokohau, to be operating at a substantial surplus above expenses, more than \$1.5 million each year above expenses!

Commercial operations will not accomplish this goal. I have checked, and there is no demand for additional commercial boating space here on Oahu. Kewalo Basin, just down the street, has no waiting list and presently has several empty commercial slips available. Applicants could move in today if they were ready. Authorizing 129 commercial slips at Ala Wai Harbor is a joke! I have pointed out over and over to the department that if revenue is all they are concerned about, then liveaboards at our present fee level pay almost the same as a commercial vessel of the same size and the costs to support the operations are way less than the additional maintenance, traffic and security problems caused by commercial operations. **And there is a waiting list for liveaboards.**

I refer you to the expert on this subject, Charles Barkley, Harbor Master for Kewalo Basin, a successful marina manager from just down the street. He can best answer your questions as to the problems brought on by commercial operations in a busy recreational harbor, (808) 594-0849.

Should you feel that we live aboard because it's cheap, a rumor that resurfaces from time to time, I keep books on my boat which show what I spend to maintain and operate my boat each year. This turns out to be an average annual expense of \$28,000.00 into the local economy, year after year. So to sum it up, compare this to the average condo owner on shore: I buy the boat for somewhere around \$750,000.00, then I pay slip rental much like leased land under your condo of \$400.00 each month, and then I pay a liveaboard fee, much like your homeowner's maintenance fee, of \$291.00 each month. Then, unlike your average homeowner, I spend the additional \$28,000.00 each year to maintain and operate the vessel. So, no, I don't think it's "living on the cheap"!

Repeatedly we have recommended to the department that the harbor office should be relocated to above the fuel dock building so that the harbor agent can see the entrance channel conditions and can enforce traffic regulations. Presently the harbor agent has no idea what is going on inside the harbor that he must manage and be held responsible

for. Look at Lahaina harbor for an example. The harbor agent fronts directly onto the very difficult entrance channel. He is always aware of what is going on in his harbor and so manages to operate a small, difficult harbor at a traffic density of about three times that predicted by any harbor traffic management expert. This relocation would also allow for real estate development of the present office location to return even more money onto the boating special fund.

Speaking of the boating special fund. Please compare the bookkeeping from past years with the present distribution of funds from what has, up until now, been harbor income. Just this year, the income from fast lands immediately surrounding the marina has been removed from the marina income statement. No explanation as to where it has been diverted to, but it is no longer in the marina statement. One can only assume this is a bit of "cooking the books" to make the marina look as if it does not support itself in order to justify these proposed fee increases. I assume the same practice was initiated at Honokohau for the same reason. Also, \$600,000.00 was recently diverted from the boating special fund to pay for lifeguards at Makena Beach, not exactly a boating expense. One has to wonder, as for years, the audited books from Marion Higa have shown that Ala Wai marina was generating a surplus above costs of about \$1.2 to \$1.5 million each year. This surplus went into the boating special fund and was used to support the deficit run by some of the state's more remote marinas that could never be expected to support themselves. Unfortunately, several times we had directors who looted the surplus to direct the money to special projects within the department but outside of boating. This was money that should have been used to rebuild and maintain our harbor facilities. Now we are being asked to pay again in order to rebuild our facilities. We want to stop this redirecting of funds.

There is some good language in this bill. For years the catamaran operators off Waikiki Beach have been operating on a permit that cost them almost nothing while the rest of us must pay the deficit to maintain their waters and beaches and provide a safe operating environment for their operations. This suggested permit structure will make them equal to all of the other commercial operators in our ocean waters.

The rest of this bill is scrap and must be sent to the shredder.

Respectfully,

Reg White

Tenant and resident of Ala Wai Boat Harbor

Commercial operator from Honolulu, Waianae, Kewalo and Lahaina harbors

(808) 222-9794

RawcoHI@cs.com

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 1:07 PM
To: FINTestimony
Cc: Hossellman@aol.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: support
Testifier will be present: Yes
Submitted by: Jeff Hossellman
Organization: Individual
Address: 3081 Wailani Road Honolulu, HI 96813
Phone: 225 7173
E-mail: Hossellman@aol.com
Submitted on: 2/22/2010

Comments:
Honorable Committee Members:

In order to ease the growing financial drain on State finances caused by the ongoing need to rebuild small boat harbors this bill should be seriously considered as a step in the right direction.

In order to keep the fees low for the average recreational boater there is a need to look to other areas for revenue enhancement that will not impact the average boater to an unreasonable extent.

The DLNR has recently been very successful in taking control of the parking in the facility and making it a revenue source. Although we all squeal a little when fees are added such additions are generally accepted in light of the overall low cost to moor in the State facility.

Allowing commercial activity on a limited basis is also a reasonable method to enhance revenue for the harbor with little if any impact if said activity is restricted to the 800 row area instead of a percentage of slips as mentioned in the bill and a with a restricted number of passengers per boat. What is known as a six pac (six passengers) is a reasonable restriction.

For years the small harbor community in the Ala Wai has fought off efforts by the State to allow locals and tourists to visit the harbor and hire a boat for a short ride. We understandably like our small community right on Waikiki Beach as it is. However there is a growing number of harbor tenants and users who feel the time has come to let others easily enjoy the beautiful small boat experience Hawaii has to offer.

Respectfully submitted,

Jeff Hossellman AAL

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 3:49 PM
To: FINTestimony
Cc: blenkeit@hawaii.rr.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Bruce Lenkeit
Organization: Individual
Address: 1741 Ala Moana Blvd. #93 Honolulu, HI
Phone: 808 3844550
E-mail: blenkeit@hawaii.rr.com
Submitted on: 2/22/2010

Comments:

I oppose the increase of live a board fees because this small group is being unfairly singled out. Marinas in California, Oregon, and Washington have much lower live a board fees (a blanket \$100 for two and \$50 each additional) and provide much better facilities. DLNR is on a campaign to raise fees rather than fill the 150+ vacant slips in the Ala Wai Harbor. (Loss to the State is \$500,000 per year.) Add in related expenses it becomes several million per year of lost revenue to the State of Hawaii. It seems reasonable to me to maximize current revenues before embarking on a campaign to generate new sources. DLNR needs management oversight, not more fees.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 4:14 PM
To: FINTestimony
Cc: bluehawaiian429@hotmail.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Frank Ponikvar
Organization: Individual
Address: Honolulu, HI
Phone: 262 3643
E-mail: bluehawaiian429@hotmail.com
Submitted on: 2/22/2010

Comments:

Most of us live aboard because we choose the lifestyle. Please do not punish us because of other problems you are having in the marina. If the shoe was on the other foot and you had your mortgage or rent increased by 3 times you'd be upset yourselves. This increase will not bring in the revenue you expect. Are we trying to privatize the marina? If it's a revenue source then why doesn't the state keep it to make money?

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 4:49 PM
To: FINTestimony
Cc: bilniceguy@hotmail.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: William Beadle
Organization: Individual
Address: 1720 Ala Moana Blvd., 1406A Honolulu, HI 96815
Phone: 8083520350
E-mail: bilniceguy@hotmail.com
Submitted on: 2/22/2010

Comments:

Commercializing the Ala Wai Harbor will create an unsafe environment for the keiki sailors, paddlers and recreational users of the Ala Wai. In addition, it will create additional congestion in the busiest neighborhood in Hawaii. The original transfer of land from the Hobron Trust specified that "non-commercial" vessels would be allowed makai of the lots transferred, the state can't change the deed covenants unilaterally.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 6:06 PM
To: FINTestimony
Cc: mckraft@hotmail.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM
Attachments: Letter on HB.rtf

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Michael Kraft
Organization: Individual
Address: 440 Fuller Way Peral Harbor, Hawaii
Phone: 808 474 2911
E-mail: mckraft@hotmail.com
Submitted on: 2/22/2010

Comments:

February 22, 2010

Sirs,

I oppose HB for the following reasons:

1. Commercialization of the Ali Wai Harbor provides no benefit to your electorate. Commercialization will crowd out the Hawaii citizens who use the harbor for recreational purposes and create public safety issues.
2. It is doubtful commercialization will be profitable. There are already unused slips at Oahu's commercial piers. Where will the new boats come from?
3. Doubling or tripling live on board fees will cause boaters to flee Oahu taking their taxable income with them. The live on board fees are already 2 to 4 times higher than most marinas. Those on fixed incomes will abandon their boats and look for other living accommodations such as the local parks.

DNLR/DOBOR have not shown good marketing decisions in the past. Case in point closing the Ala Wai working dock (Losing revenue) and Ala Wai parking, since they increased the fee to \$1.00 an hour. The parking lot is empty.

Before you approve DLNRs poor recommendations they need to show good fiscal management and make decisions that benefit the Hawaiian public.

By supporting this bill you are broadcasting to your electorate you approve on the DLNRs mismanagement. We are watching.

Regards,

Michael C. Kraft

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 6:02 PM
To: FINTestimony
Cc: cwright614@yahoo.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Craig Wright
Organization: Individual
Address: Ala Moana Blvd Honolulu, Hi 96815
Phone: 808 944 0426
E-mail: cwright614@yahoo.com
Submitted on: 2/22/2010

Comments:

This is a bad bill. Kill it now. We do not want commercial operators in the Ala Wai. Let the corporations use Kewalo Basin.. There is plenty of empty space. Liveaboard fees should be lowered, not raised. DOBOR should be audited and the rules revised. Please kill this bill now.

Craig Wright

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 6:16 PM
To: FINTestimony
Cc: jm.marine@hotmail.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: John Morton
Organization: Individual
Address: 1741 Ala Moana Blvd. 57 Honolulu, HI. 96815
Phone: 8082288784
E-mail: jm.marine@hotmail.com
Submitted on: 2/22/2010

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 6:23 PM
To: FINTestimony
Cc: drgeorgepc@yahoo.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position:
Testifier will be present: No
Submitted by: Dr. George Carayannis
Organization: Individual
Address: 1741 Ala Moana Blvd. #70 Honolulu, HI 96815
Phone: 808 781-6164
E-mail: drgeorgepc@yahoo.com
Submitted on: 2/22/2010

Comments:

Raising the live aboard fees in addition to raising the mooring fees would be an unconscionable act intended in serving special interests, rather than those of taxpayers. For people like myself, a retiree living on a limited annuity, it would render me homeless. I urge you kindly that you do not support such unjustifiable raises on live aboard fees, particularly at a time when the economy is at its lowest point.

There are empty commerical slips at Kewalo basin. Commericalizing the Ala Wai harbor would create all kinds of safety problems for all recreational boaters, kayakers and surfer and in increased pollution. I urge that you act responsibly and do not approve HB 2582.

Respectfully,

Dr. George Carayannis

Resident in the Ala Wai harbor since 1963

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 8:40 PM
To: FINTestimony
Cc: n30kaw@hotmail.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Kawika Warren
Organization: Individual
Address: 23 Kimo Dr. Honolulu
Phone: 8083061912
E-mail: n30kaw@hotmail.com
Submitted on: 2/22/2010

Comments:

I oppose HB2582 for the following reasons:

1. Commercialization of the Ali Wai Harbor provides no benefit to your electorate. Commercialization will crowd out the Hawaii citizens who use the harbor for recreational purposes and create public safety issues.
 2. It is doubtful commercialization will be profitable. There are already unused slips at Oahu's commercial piers. Where will the new boats come from?
 1. Doubling or tripling live on board fees will cause boaters to flee Oahu taking their taxable income with them. The live on board fees are already 2 to 4 times higher than most marinas. Those on fixed incomes will abandon their boats and look for other living accommodations such as the local parks.
- DNLR/DOBOR have not shown good marketing decisions in the past. Case in point closing the Ala Wai working dock for over two years (Lost revenue) and Ala Wai parking, since they increased the fee to \$1.00 an hour. The parking lot is empty.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 7:13 PM
To: FINTestimony
Cc: siestarace@yahoo.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: curtis collins
Organization: Individual
Address: 1741 Ala wai #64 Honolulu Hawaii
Phone: 808-286-5202
E-mail: siestarace@yahoo.com
Submitted on: 2/22/2010

Comments:

Do not pass this bill (HSCR251-10)

It is so wrong not good for boating in Hawaii unfair This bill will kill boating in Hawaii If the objective is to be come a police state then you are on the right track.

The state had a commercial Harbor and could not keep it filled Keehi and Ala wai are deeded to be public land for the people NOT for the highest bidder.

The state needs to work on filling the slips we have now.

Get the slips filled 1st. Then and only then see.

But to increase the fees to cover a mis-management issue, this is very wrong.

Do not pass this bill (HSCR251-10)

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 10:01 PM
To: FINTestimony
Cc: info@luau.de
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Antje Gruenewald
Organization: Individual
Address: 1741 Ala Moana Blvd. #16 honolulu, HI
Phone: 808 2771576
E-mail: info@luau.de
Submitted on: 2/22/2010

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Tuesday, February 23, 2010 7:12 AM
To: FINTestimony
Cc: rlolmsted11@yahoo.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Richard Olmsted
Organization: Individual
Address: 41-B Kepola Place Honolulu, HI 96817
Phone: 808-264-1591
E-mail: rlolmsted11@yahoo.com
Submitted on: 2/23/2010

Comments:

Bill HB 2582 creates further hardship on me and my fellow boaters who wish to live aboard. I am on a fixed income and retired. My boat is now the only housing I can afford. Fees are already high in comparison w/ other marinas and this attempt to raise them more will cause drastic actions. Before you approve DLNR's poor recommendations keep in mind that they need to show how good fiscal management and make decisions that benefit the Hawaiian public, not alienate them. By supporting this bill you are broadcasting to your electorate that you approve of the DLNR's mismanagement of our resources. Wake-up! Richard Olmsted

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 8:50 AM
To: FINTestimony
Cc: sholmes@rahawaii.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Stephen M. Holmes
Organization: Individual
Address: 1741 Ala Moana Blvd, unit #60 Honolulu, Hi. 96815
Phone: 222-9718
E-mail: sholmes@rahawaii.com
Submitted on: 2/23/2010

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 10:10 AM
To: FINTestimony
Cc: ngills@msn.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Nancy Gills
Organization: Individual
Address: POBox 75101 Honolulu, HI
Phone: 808-286-1289
E-mail: ngills@msn.com
Submitted on: 2/23/2010

Comments:

I oppose the liveaboard fee increase. We already pay double what a non-liveaboard boat our size is paying to keep our boat in the Ala Wai.

I would be in favor of increasing the amount of Liveaboard slips, then there would be more income and safety.

Mahalo

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 11:14 AM
To: FINTestimony
Cc: nluong@aol.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: David Partridge
Organization: Individual
Address: 1651 Ala Moana Blvd Honolulu, HA
Phone: 944-1009
E-mail: nluong@aol.com
Submitted on: 2/23/2010

Comments:

I am against the proposed measures. Any commercialization will interfere with and make less safe normal boating activity. It will certainly be a danger to the youth sailing programs conducted by various yacht clubs in the harbor, entrance channel and outside the bouys. There would be constant noise and congestion outside the Prince and Ilikai hotels. The present Kelawa Basin is a commercial area for charter boats and they cannot even fill that to capacity.

Liveaboards are the best and almost only security the harbor has. It is liveaboards and vacation stayaboards who are most likely to call police when there is trouble. I myself have called police many years ago while staying aboard and stopped a grand theft. Any extra expense caused by liveaboards can be charged to individual boats using electric meters, etc. Those liveaboards I have talked to often indicate they will move ashore as the fees would be ridiculous, liveaboard plus mooring plus parking, and you would end up like the failed parking lot situation. If DOBOR/DNLR wants greater income, fill the over 100 empty slips. There is a many year waiting list and still that many slips remain vacant. The slip across from me has been vacant for two years. If they say the administrative rules do not allow faster slip filling they can change the rules. The Ala Wai rules have become a joke not just here but in Calif. and Mexico where boats have to decide whether or not to come to Hawaii. Thank you for your attention.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 11:12 AM
To: FINTestimony
Cc: Monets001@hawaii.rr.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Sam Monet
Organization: Individual
Address:
Phone:
E-mail: Monets001@hawaii.rr.com
Submitted on: 2/23/2010

Comments:

The Ala Wai Yacht Harbor is the only facility in the entire State of Hawaii budget that actually has a revenue surplus. This State administration and Legislature has made a miserable mess of our local economy. Gross mismanagement by a lame duck Republican Land Board and DLNR administrators who spent like drunken sailors during the boom, now initiate draconian fiscal policies that are clearly wrong in a down economy, that has no end in sight.

Commercial slips at Kewalo basin are vacant. Deed restrictions at Ala Wai wisely prohibit commercial vessels that will create a safety hazard in a harbor filled with youth canoe paddling and sailing programs and surfers who transit the channel to surf at "bowls". In addition, the wake from commercial boats will ruin the best surf on the south shore. The locals who pay taxes and legislative salaries are the same locals who surf and paddle at Ala Wai. We paid to build this harbor for our kids, not for a bunch of tourists in an industry on the verge of bankruptcy. You cannot get blood from a turnip and we cannot support the rest of the system. Reduce administrative positions at DLNR. That will save more money than can be collected by increasing fees at Ala Wai. .

\$1.00 per hour parking is ridiculous. The increased parking fees now leave the paid parking vacant. Tourists and hotel workers still park in the recreation parking areas. The problem started with hotel construction workers and the hotels are still the villains that cause the rest of us grief.

The Circuit Court (800 pier v. DLNR) ruled that State is landlord, boat owners tenants and Landlord Tenant code applies. Those of us who live in Ala Wai are taxpayers and tenants. We do not mind paying our way, but to punish us because the rest of the system is broke or broken, violates our tenant rights and federal law.

For over 30 years, DLNR had a functioning boat yard at Ala Wai paying taxes, employing people and paying fees. The idiots at DLNR terminated the boat yard lease. The land has been vacant for several years, now an EPA hazardous site. A prudent property manager would have anticipated the lost income from termination and the problems in finding a new tenant before canceling the existing lease. The idiots at DLNR failed to do that and now they want us to offset the result of their folly.

DLNR administrators are political cronies that do not know the first thing about business management. Cut their staff and salaries. Start there to balance the State budget.

Sam Monet
Slip 741 Ala Wai
Ph: 2581611
lonets001@hawaii.rr.com

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 11:02 AM
To: FINTestimony
Cc: robertmiller@hawaii.rr.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Bob Miller
Organization: Individual
Address:
Phone:
E-mail: robertmiller@hawaii.rr.com
Submitted on: 2/23/2010

Comments:

Testimony opposing commercial mooring at Ala Wai Small Boat Harbor.

I am opposed to the traffic congestion, parking problems, and disruption that would be caused by allowing commercial operators to moor boats at the Ala Wai Harbor.

The State already has a facility for commercial operators at Kewalo Basin, a location much better able to handle traffic, parking and general disruption.

It's interesting to note that Kewalo Basin does not have enough demand from commercial operators to fill its slips and has recently begun allowing recreational boaters to use the facilities.

Considering the 5 year or longer waiting list for recreational slips at the Ala Wai, and the lack of demand for commercial slips at Kewalo Basin, it seems that your constituents would be much better served by leaving the Ala Wai Harbor dedicated solely to recreational use.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 10:51 AM
To: FINTestimony
Cc: concernedboater@hawaii.rr.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Robert Miller
Organization: Individual
Address:
Phone:
E-mail: concernedboater@hawaii.rr.com
Submitted on: 2/23/2010

Comments:

Testimony opposing the increase in live-aboard fees.

In these difficult times, the last thing we, your constituents, need is an increase in our fees or taxes. We are already facing an 80% increase in moorage fees to be implemented over the next five years. An additional increase in the live-aboard fee is unconscionable.

Proponents of this measure argue that it is similar in nature to a condominium fee. This is hardly a rational comparison. Condominium fees usually provide for building maintenance, roof repairs, building insurance, security, parking, pools and other services not available to boaters at the state run harbors. Condominium fees generally run less than 2% of the value of the condominium. The proposed live-aboard fees would be 20% or more of the value of the meager facilities that are provided to boaters.

It would be reasonable to expect live-aboard boaters to pay for the increase in utilities and services that their live-aboard status generates, but since they already pay for their own electricity and parking, it's hard to imagine that an increase in water or garbage use would justify a charge of \$300 to \$600 per month.

In lieu of raising fees for live-aboard boaters, I would respectfully suggest that the State look into ways to improve the efficiency of the harbor management and concentrate on filling the large number of slips that have gone empty for long periods of time while hundreds of eager boaters have waited for 5 or more years for a slip assignment.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 9:56 AM
To: FINTestimony
Cc: monets001@hawaii.rr.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM
Attachments: dlnr_theft_and_civil_right_.doc; dlnr hawaii yacht club emai jan 18, 2007.doc

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: SAM MONET
Organization: Individual
Address: 1741 ala moana #98 hon, hi 96815
Phone: 808-2581611
E-mail: monets001@hawaii.rr.com
Submitted on: 2/23/2010

Comments:
would like to testify, will submit other material this afternoon

Florence T. Nakakuni
United State Attorney for Hawaii
PJKK Federal Building
300 Ala Moana Blvd., #6-100
Honolulu, HI 96850

President Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Hawaii Governor Linda Lingle
Executive Chambers
State Capitol
Honolulu, Hawaii, 96813

Mayor Mufi Hanneman
City & County of Honolulu
530 S. King St.
Honolulu, Hawai'i 96813

Department of Land and Natural Resources (DLNR)
Division of Boating and Ocean Recreation
333 Queen Street, Suite 300
Honolulu, Hawaii 96813

Honolulu Police Dpt.
801 S. Beretania St.
Hon, HI 96813
Att: Chief of Police Louis Kealoha

Re: Theft and conspiracy to violate civil rights by State of Hawaii Department of Land and Natural Resources employees and Honolulu Police

Dear President Obama, US. Attorney &&, Governor Lingle and Mayor Hanneman,

It is very clear from the correspondence between the State of Hawaii Department of Land and Natural Resources (responsible for administration of the Ala Wai Yacht Harbor) and the Hawaii Yacht Club (see attached "Date: Thu, 18 Jan 2007 12:01:44 -1000 From: christin shacat christin.shacat@gmail.com") there is evidence of collusion and an unlawful conspiracy between government and a private entity (Yacht Club that leases from State and wants to restore its special rights and privileges with State) where a political and financial *quid pro quo* between government and private sector is glaringly apparent. Over the years, this State and City government, comprised mainly of Caucasian (white) and descendants of Asian immigrants, have systematically conspired with others, including but not limited to officers of the Honolulu Police Department, to deny the civil rights of a minority class, Polynesians; by confiscating (stealing) the private property of these homeless and poor people denying them due process and equal protection.

History of my Complaints to US Attorney: I will take credit for informing the US Justice Department about the stolen food money at HPD's cell block that led to that clean up where senior officers got fired. Again, I notified the Justice Department about the Hope 6 conspiracy at Kuhio Park Terrace that exposed fraud and conspiracy at Hawaii Public Housing Authority. In both instances, I warned City and State that what they were doing was unlawful and the Feds agreed with me. Sometimes, all it takes is a formal complaint. Clearly I am willing to do that and will again.

Both Honolulu City and Hawaii State have used their agents, Police and Department of Land and Natural Resources (DLNR) to systematically steal private property from those of us who have so little to begin with. These Government Employess are absolutely heartless and shameless. I am so disgusted by their behavior. Born and raised in Hawaii, I have never seen such ruthless and cruel behavior by government. This would never happen in Chicago or Los Angeles where the Feds are watching for scum and rif raf in government, and are willing and able to prosecute. In these economic times, how can anyone justify sending millions of dollars to the homeless and destitute in Haiti, and then arrest people in Hawaii for simply being poor, homeless and in some cases mentally ill. The cruelty of this State and City government is shocking. On the otherhand, if a person will steal food from inmates, or deliberately force elderly people to live in horrible, dangerous squalor, that person is capable of anything. Clearly there is a pattern of abuse by government in Hawaii.

My complaint to the US Attorney is as follows: On or about the evening hours of February 18, 2010 agents and employees of State of Hawaii Department of Land and Natural Resources with officers of the Honolulu Police Department (hereinafter "Government Employees") confiscated (stole) and then destroyed bicycles, clothing and other personal items and property from American citizens of a minority group in Hawaii, Polynesians (mainly native Hawaiian) whose private property was left unattended or in their possession, on lands open to the public in Waikiki at Ala Wai Harbor. Government Employees, mainly white and Asians, failed to properly notify these citizens that they or their property was in some way violating law and Government Employees failed to preserve or other store or keep as evidence the property of these Polynesian citizens. Instead Government Employees simply destroyed the unlawfully seized property or converted that property for their own use, a violation of due process and theft.

I am informed and believe that Police officers present told DLNR employees that they could take the bicycles because the bicycles did not have "new" or otherwise proper registration. There is NO city requirement for annual registration of bicycles in Honolulu. All bicycles sold in Hawaii are registered at time of sale. "All bicycles with 20" or larger wheels are required to be registered in the City and County of Honolulu. There is a one-time fee of \$15 and a fee of \$5 when transferring ownership of a bicycle." Government Employees confiscated (stole) bicycles at the harbor alleging "expired registration". This confiscated evidence was NOT logged in and NOT stored at the Police Station. Government Employees just threw this private property away or kept it for themselves. Simple theft, no due process.

A pattern of abuse at DLNR. This is not unusual. It is a pattern encouraged by Administration at DLNR. About a year ago, a harbor employee confiscated some beer from some homeless people and did not log it as evidence. He just took it back to the harbor office and drank the confiscated beer with other harbor employees on Harbor property. I wrote a complaint to DLNR and received an apology from the employee who promised never to do it again. An apology is not enough this time.

Although other people, mainly white and Asian citizens may have committed similar "violations" of harbor rules or administrative rules as did the homeless and poor Polynesians whose property was stolen by Government Employees, if any violations existed; Government Employees failed to enforce the same rules against Caucasian (white) and Asian's in the Ala Wai Harbor, some who are members of the Hawaii Yacht club where Government Employees and Yacht Club have an unlawful quid pro quo relationship. (see attached "Date: Thu, 18 Jan 2007 12:01:44 -1000 From: christin shacat christin.shacat@gmail.com")

Because the minority class Polynesian has been systematically targeted for selective enforcement by Government Employees, Government Employees violated the equal protection clause of Constitution and other federal statutes. Polynesians have been and continue to be the victims of racial discrimination, by Caucasian and Asian Government Employees, a violation of federal and State law. In addition, State and City receive federal funds earmarked for Police and Harbors. These funds have been utilized by City and State for unlawful purpose, policies and practices that violate federal law; and these funds should be withheld by the Feds until City and State comply fully with federal law.

It is irrelevant that some Government Employees are not Caucasian or Asian and may even be Polynesian. Like on the mainland, sometimes brainwashed black police officers often join with fellow white police officers who violate the civil rights of black people, the product of peer pressure and the fear of retaliation by employer. I am also informed that some Polynesians, victims of Government Employees were arrested and jailed. I will encourage these victims of government abuse to contact the law firm that is working with the KPT plaintiffs and file a class action law suit to recover their stolen property and for damages as the courts may grant.

I make this complaint as a witness to the facts stated herein and am willing to testify at trial on this matter. Please prosecute Government Employees or any other person(s) who have committed any violation of law. I make this complaint pursuant the Whistle Blower Protection Act.

Sam Monet
Slip 741 Ala Wai #98
Ph: 2581611
Monets001@hawaii.rr.com

Date: Thu, 18 Jan 2007 12:01:44 -1000
From: christin shacat <christin.shacat@gmail.com>
Subject: HAWAII YACHT CLUB REQUEST TO ASSIST DLNR / PLEASE READ
To: Undisclosed recipients <christin.shacat@gmail.com>
MIME-version: 1.0
DomainKey-Signature: a=rsa-sha1; c=noews; d=gmail.com; s=beta;
h=received:message-id:date:from:to:subject:mime-version:content-type;

b=fNtsRrB/T+oFURjKVBwHzXjqFaeYymzFHKxfYrTpl+Ao/0uGo4G5gN9sB1qb/G9/HS21+vzg3h1nrAJ4n
ZFNGOiRupkV5IvcOE9yOqaYqYQAn6JP0G4SeLfH/KCxulVmjlCOHj6IDlgWow7wD4WpqCa974rSsyGkc
u/RV8IW3cU=
X-MID: 1310090935
Original-recipient: rfc822;MONETS001@hawaii.rr.com

To: Hawaii Yacht Club Members / Waikiki Yacht Club Members /
Ala Wai Harbor Boat Owners, and friends
From: Miles Anderson , Hawaii Yacht Club

I approached Mike Jones, [Oahu District Assistant Manager] during
the Dec 06 harbors meeting and requested assistance with regards to
authorizing Hawaii Yacht Club the privilege of starting Friday night
races from the HYC Aloha Dock.

Mike Jones, indicated that he would eagerly work toward a solution
for this request.

He additionally asked for assistance with regard to a much larger
problem, and that was both the reconstruction and repairs of the Ala
Wai docks.

Brief explanation of the following correspondence:

PART A: Mike Jones request for assistance

PART B: Verbiage which you may attach to your e-mail

PART C: Specific legislative members which DLNR would like to approach
and e-mail address.

This is the time to band together and assist DLNR.

Please send this to a minimum of 10 parties.

Time is of the essence.

I might suggest a simple e-mail "distribution list"...send as a BLIND COPY

Miles Anderson....

=====
PART A

Miles Anderson
Hawaii Yacht Club
1739C Ala Moana Blvd.
96815-1467

Miles:

It was a pleasure to chat with you about issues of mutual interest in
the Ala Wai Small Boat Harbor. The Division of Boating and Ocean
Recreation (DOBOR) is delighted in your interest to help us move
forward with our plans to improve the quality of our small boat

harbors and promote recreational boating and fishing.

DOBOR needs your support on two initiatives which will be introduced in the upcoming legislative session. The first will require tenants in our small boat harbors to carry liability insurance. This bill will address the high cost that DOBOR shoulders when removing abandoned, sunken or grounded vessels around the State like the Two Star which broke up at the mouth of Kewalo Basin, and the Misty Blue which ran hard aground near the Waikiki helipad. These are just two instances, but there have been many vessels in recent years which DOBOR has had to demolish because the owners had no insurance. Disposal of abandoned vessels typically runs in the tens of thousands of dollars. All of it paid for by the Boating Special Fund that you and other boat owners pay into.

The second piece of legislation we are introducing will clarify DOBOR's responsibility for removing abandoned boats on non-DLNR land. For many people, the public perception is that an abandoned boat, irrespective of it's location, is the responsibility of DOBOR. The division does not have the resources to remove every abandoned boat from city streets, county parks and other areas not under DOBOR jurisdiction. We will, however, accept the responsibility of removing abandoned boats from the ocean, harbors, and other DOBOR designated marine areas as stated in this new legislation.

We are also seeking support for DOBOR capital improvement projects paid for by CIP funding. Every year, over the past four years, DOBOR has requested \$10 million in CIP monies from the legislature which would be used for necessary repairs and maintenance at numerous State harbors. The division could actually use many times this amount to restore full functionality at our facilities and replace docks and piers which are still in use long after the end of their life expectancy. Although the \$10 million is far short of what we really need for repairs, each year the request has been turned down.

We, as a division, thank you for your interest in improving the quality of our small boat harbors and boat ramps.

If you have any questions or concerns, please contact me at 587-1974.

Regards,

Michael Jones
Oahu District Assistant Manager
Division of Boating and Ocean Recreation

=====
PART B

SAMPLE VERBIAGE FOR LEGISLATORS

Dear Legislator:

I am writing to express my support of the Department of Land and Natural Resources and its Division of Boating and Ocean Recreation. I understand DLNR is introducing two initiatives which would greatly serve the boating community.

The first piece of legislation would require tenants in our small boat harbors to carry liability insurance. This bill will effectively eliminate the expense that DLNR shoulders when removing abandoned, sunken or grounded vessels around the State.

The second piece of legislation clarifies DLNR's responsibility for removing abandoned boats on non-DLNR land.

I also support DOBOR's request for \$10 million in CIP monies which would be used for necessary repairs and maintenance at numerous State harbors.

Sincerely,

=====

PART C

Miles:

The most effective campaign would include an official letter signed by all HYC board members supporting our efforts. Secondly, each individual member needs to contact their representative expressing support for the same. Remind, in any letters, that members of HYC live in many legislative districts and are directly affected by this legislation. As you understand DOBOR cannot continue to be responsible for abandoned boats of unaccountable owners. We are being continually impacted by having to remove these vessels at boatings' expense. The proposed bill to require liability insurance will not be heard this session, but we still need this brought up.

Specific legislative members your members should contact are:

Senator Russell S. Kokubun, Chair of Water, Land Agriculture and Hawaiian Affairs Committee

<mailto:repito@Capitol.hawaii.gov>repito@Capitol.hawaii.gov

Senator Jill N. Tokuda, Vice-Chair

Members:

Senator Carol Fukunaga

<mailto:senfukunaga@Capitol.hawaii.gov>senfukunaga@Capitol.hawaii.gov

Senator Clayton Hee <mailto:senhee@Capitol.hawaii.gov>

senhee@Capitol.hawaii.gov

Senator Sam Slom <mailto:senslom@Capitol.hawaii.gov>senslom@Capitol.hawaii.gov

Representative Ken Ito - Chair, Water, Land, Ocean Resources & Hawaiian Affairs Committee

Representative Pono Chong - Vice Chair

<mailto:repchong@Capitol.hawaii.gov>repchong@Capitol.hawaii.gov

Members:

Representative Mele Carroll

<mailto:repcarroll@Capitol.hawaii.gov>repcarroll@Capitol.hawaii.gov

Representative Michael Y. Magaoay

<mailto:repmagaoay@Capitol.hawaii.gov>repmagaoay@Capitol.hawaii.gov

Representative Hermina M. Morita

<mailto:repmorita@Capitol.hawaii.gov>repmorita@Capitol.hawaii.gov

Representative Ronald D. Sagum

<mailto:repsagum@Capitol.hawaii.gov>repsagum@Capitol.hawaii.gov

Representative Scott K. Saiki

<mailto:repsaiki@Capitol.hawaii.gov>repsaiki@Capitol.hawaii.gov

Representative Cynthia Thielen

<mailto:repthielen@Capitol.hawaii.gov>repthielen@Capitol.hawaii.gov

Sorry for the delay.

Mike Jones

State of Hawaii
Hawaii Legislature

February 15, 2010

Re: HB 2582 commercial operations at Ala Wai and Live aboard fees

Please notify me when these matters will be heard, I wish to testify.

The Ala Wai Yacht Harbor is the only facility in the entire State of Hawaii budget that actually has a revenue surplus. This State administration and Legislature has made a miserable mess of our local economy. Gross mismanagement by a lame duck Republican Land Board and DLNR administrators who spent like drunken sailors during the boom, now initiate draconian fiscal policies that are clearly wrong in a down economy, that has no end in sight.

Commercial slips at Kewalo basin are vacant. Deed restrictions at Ala Wai wisely prohibit commercial vessels that will create a safety hazard in a harbor filled with youth canoe paddling and sailing programs and surfers who transit the channel to surf at "bowls". In addition, the wake from commercial boats will ruin the best surf on the south shore. The locals who pay taxes and legislative salaries are the same locals who surf and paddle at Ala Wai. We paid to build this harbor for our kids, not for a bunch of tourists in an industry on the verge of bankruptcy. You cannot get blood from a turnip and we cannot support the rest of the system. Reduce administrative positions at DLNR. That will save more money than can be collected by increasing fees at Ala Wai. .

\$1.00 per hour parking is ridiculous. The increased parking fees now leave the paid parking vacant. Tourists and hotel workers still park in the recreation parking areas. The problem started with hotel construction workers and the hotels are still the villains that cause the rest of us grief.

The Circuit Court (800 pier v. DLNR) ruled that State is landlord, boat owners tenants and Landlord Tenant code applies. Those of us who live in Ala Wai are taxpayers and tenants. We do not mind paying our way, but to punish us because the rest of the system is broke or broken, violates our tenant rights and federal law.

For over 30 years, DLNR had a functioning boat yard at Ala Wai paying taxes, employing people and paying fees. The idiots at DLNR terminated the boat yard lease. The land has been vacant for several years, now an EPA hazardous site. A prudent property manager would have anticipated the lost income from termination and the problems in finding a new tenant before canceling the existing lease. The idiots at DLNR failed to do that and now they want us to offset the result of their folly.

DLNR administrators are political cronies that do not know the first thing about business management. .Cut their staff and salaries. Start there to balance the State budget.

Sam Monet
Slip 741 Ala Wai
Ph: 2581611
Monets001@hawaii.rr.com

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 12:13 PM
To: FINTestimony
Cc: hbpaa@aol.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: William E. Mossman
Organization: Hawaii Boaters Political Action Association
Address: 282 Aikahi Pl. Kailua, HI
Phone: 8082542267
E-mail: hbpaa@aol.com
Submitted on: 2/23/2010

Comments:
Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice Chair
Committee on Finance (FIN)

Dear Chair Oshiro, Vice Chair Lee and members of the committee,

HB2582 attempts to authorize commercial vessel operations and mooring in Hawaii's only "non-commercial" Small Boat Harbors, the Ala Wai and Keehi, by creating a new fee structure that would levy an extra high "live aboard" fee at these harbors if the commercial operations authorization proposed is not allowed.

This proposal becomes highly unfair and discriminatory when all of the 1000 plus users of these two harbors (who strongly favor remaining non-commercial) are told that if they want to maintain their non-commercial status, the fees of the live aboards (principle habitation), 129 at Ala Wai and 35 at Keehi, would be increased by more than 250 % (details below). This, of course, would be in addition to the 61% to 92% moorage fee increase proposed by the Recreational Renaissance Plan for all boaters. Damn the "users", lets milk 'em dry!! appears to be the DLNR battle cry.

Proposed live aboard (principle habitation) fees for the Ala Wai and Keehi SBHs based on a 35 ft. vessel per month

1. For State residents:

a. SBH exclusive, Non-commercial

Today (35X 5.67 mooring fee + 5.20 liveaboard fee =
\$380.45

With HB2582 and the Renaissance fee increases,
(35X 9.14 mooring fee X 3 (HB2582)
959.70

252 % increase

b. SBH with -commercial

Today (same as above)

,380.45

With HB2582 and the Renaissance fee increases,
(35 X 9.14 mooring fee X 2 (HB2582))

=

639.80

168% increase

2. Non-residents:

a. SBH exclusive, non-commercial

Today - (35 X 5.67 mooring fee + 7.80 liveaboard) =

\$471.45

With HB2582 and the Renaissance fee increases,
(35 X 9.14 mooring fee X 3.5 (HC2582))

= 1119.65

237% increase

b. SBH with commercial

Today (same as above)

= \$471.45

With HB2582 and Renaissance fee increases,
(35 X 9.14 mooring fee X 2.5 (HB2582))

= 799.75

170% increase

It is perplexing to note that while this extreme pressure is unfairly being placed on a small group (165 out of nearly 1000 slip holders of the Ala Wai and Keehi Small Boat Harbors) to extract as much revenue as possible, there are some DBOR facility users whose fees remain at status quo. This is generating a growing "fair and equitable" concern. Check out:

· Cruiseline passenger fees collected at Lahaina and Kailua-Kona SBHs are currently \$1.40 per psg. while comparable fees are \$40. per psg. in Alaska and our own DOT is doubling its psg. fee to \$20.50.

· All the fees of the estimated 12000 trailer boat/ramp users remain unaffected,

· All of the commercial users of our DBOR facilities who are in the "3% of gross" revenue fee category remain status quo.

· Land and wharf lease/rent rates remain unchanged.

There may be more. The public administration of these fee increases is far from being "fair and equitable". Some facility users' fees are raised while others are not.

Thank you for allowing me the opportunity to point out the reasons why this Bill should be held..

Sincerely,

William E. Mossman
Hawaii Boaters Political Action Association

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 12:14 PM
To: FINTestimony
Cc: cascadesunrise@hotmail.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Les Parsons
Organization: Individual
Address: 1741 Ala Moana Blvd. #82 Honolulu, HI
Phone: 945-3648
E-mail: cascadesunrise@hotmail.com
Submitted on: 2/23/2010

Comments:

HB 2582 Wednesday, February 24 2010 at 11:00AM in Room 308 House Committee on Finance

Chairman Oshiro and members of the Committee:

HB 2582 unquestionably is both DISCRIMINATORY AND PUNITIVE.

This measure specifically targets liveaboard boaters. And in plain English is both a threat and a bludgeon - to wit:

"Accept our unfair commercialization plan, or suffer significant financial consequences."

Aside from the fairness issue:

To quote from the DLNR Director's submittal: "...additional commercial activity would increase vessel activity and stimulate existing marina related businesses..."

Existing? I have to wonder, was she referring to the Ala Wai's once-busy boat repair facility which was forced out of business more than a year ago...with a current plan of replacing that needed boatyard with, of all things, an inappropriate and unwanted wedding chapel?

How well I remember Marian Higa's descriptive audit term, "mismanagement."

And speaking of the contemplated "increased vessel activity"...some of them very high-speed boats such as the parasail operators....

Has anyone considered the danger and risk to canoe paddlers who use the Ala Wai channel...or those who swim their surfboards across rather than pay outrageous harbor parking at a dollar an hour....or the many keiki who learn to sail in small boats in yacht club sponsored programs?

They quite often can be seen in the Ala Wai channel or the harbor turning basin.

In the past when a similar commercialization scheme has been proffered other members of our legislature have seen the inherent wisdom of banning commercial and high volume boat traffic in this area...

Hopefully you will also.

If additional revenues are needed (and that's debatable), the administration should heed the frequent call of Ala Wai boaters...three simple words: Fill Vacant Slips. A years-long waiting list persists, as do those very visible vacancies.

And should over 100 commercial vessels be permitted in the Ala Wai would they not be subject to that wait list? DOBOR has given no indication concerning that matter, or as to where such boats would be moored within the harbor.

Commercial boats belong at Kewalo, not the Ala Wai or Keehi SMALL boat harbors.

One final point: the Director's testimony says a higher liveaboard fee is needed due to increased costs of services such as (quote) "janitorial services".

Really? The Ala Wai's restrooms often are a disgrace.

A long-standing contract for necessary daily "janitorial service" was not renewed. On Monday and at other times previously, men's restroom facilities were not only filthy, but without toilet paper and other customary supplies.

Mismanagement?

Please KILL this harmful and dangerous proposal!

Thank you for this opportunity to testify.

Les Parsons, Ala Wai Harbor tenant
1741 Ala Moana Blvd. #82
Honolulu, HI 96815

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 12:55 PM
To: FINTestimony
Cc: curtis.w.collins@gmail.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM
Attachments: test.doc

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: curtis collins
Organization: Individual
Address: 1741 Ala wai #64 Honolulu Hawaii
Phone: 808-286-5202
E-mail: curtis.w.collins@gmail.com
Submitted on: 2/23/2010

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 3:35 PM
To: FINTestimony
Cc: cloudia.charters@gmail.com
Subject: Testimony for HB2582 on 2/24/2010 11:00:00 AM

Testimony for FIN 2/24/2010 11:00:00 AM HB2582

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Rev. Cloudia Charters
Organization: Honolulu Street Chaplain
Address: 1741 Ala Moana Honolulu, HI
Phone: 808 224 3960
E-mail: cloudia.charters@gmail.com
Submitted on: 2/23/2010

Comments:

February 22, 2010

Sirs,

I oppose HB 2582 for the following reasons:

1. Commercialization of the Ali Wai Harbor provides no benefit to your electorate. Commercialization will crowd out the Hawaii citizens who use the harbor for recreational purposes and create public safety issues.
2. It is doubtful commercialization will be profitable. There are already unused slips at Oahu's commercial piers.
3. Doubling or tripling live on board fees will cause boaters to flee Oahu taking their taxable income with them. The live on-board fees are already 2 to 4 times higher than most marinas! Those on fixed incomes will abandon their boats and look for other living accommodations such as the local parks.

DNLR/DOBOR have not shown good marketing decisions in the past. Case in point closing the Ala Wai working dock for over two years (Lost revenue) and Ala Wai parking: since Diamond increased the fee to \$1.00 an hour, the parking lot is largely empty.

Before you approve DLNRs poor recommendations they need to show good fiscal management and make decisions that benefit the Hawaiian public. Why not fill the many empty slips with paying recreational boaters?

Supporting this bill tells your electorate that you approve of the DLNRs mismanagement.

Please don't make our senior live-aboards homeless!!!!

Sincerely, (Rev.) Cloudia Charters